

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	<u>FINAL ORDER OF FORFEITURE</u>
	:	
-v.-	:	02 Cr. 134 (RA)
	:	
HISHAM A. AMER,	:	
	:	
Defendant.	:	
	:	
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WHEREAS, on or about March 24, 2004, the Court entered a Preliminary Order of Forfeiture as to Specific Property (the “Preliminary Order of Forfeiture”) (D.E. 52) with respect to HISHAM A. AMER (the “Defendant”), forfeiting to the United States all right, title and interest of the Defendant in the following specific property:

- a. Approximately \$27,714.49 in United States currency held in account numbers 29056843 and 29046778 in the name of Hisham Fattah at Independence Community Bank; and
- b. 15 Rolex watches, 7 Seiko watches and 1 pair of gold tone earrings, all recovered on or about January 24, 2002 from Defendant’s safe deposit box, number 386, located at Independence Community Bank;

(a. and b. together, the “Specific Property”);

WHEREAS, the Preliminary Order of Forfeiture directed the United States to publish, at least once for three successive weeks in a newspaper of general circulation, notice of the Preliminary Order of Forfeiture, notice of the United States’ intent to dispose of the Specific Property, and the requirement that any person asserting a legal interest in the Specific Property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier;

WHEREAS, the provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of

the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require publication of a notice of forfeiture and of the Government's intent to dispose of the Specific Property before the United States can have clear title to the Specific Property;

WHEREAS, the Notice of Forfeiture and the intent of the United States to dispose of the Specific Property was published in the New York Law Journal for three consecutive weeks beginning on July 16, 2004, pursuant to Rule G(4)(a) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions, and proof of such publication was filed with the Clerk of the Court on or about September 2, 2004 (D.E. 53);

WHEREAS, on or about April 6, 2006, approximately 20 months after the claim deadline had expired, and approximately 25 months after this Court entered the Preliminary Order of Forfeiture, which conclusively forfeited all of Defendant's right, title and interest in the Specific Property to the United States, Defendant filed a Motion for Return of Property (the "Return Motion") (D.E. 55);

WHEREAS, the Defendant is the only person known by the Government to have a potential interest the Specific Property;

WHEREAS, thirty (30) days have expired since final publication of the Notice of Forfeiture and, except for the Return Motion, no petitions or claims to contest the forfeiture of the Specific Property have been filed; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited property if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2);

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title and interest in the Specific Property is hereby forfeited and vested in the United States of America.

2. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Specific Property.

3. The Motion for Return of Property at Docket Entry 55 is hereby denied with prejudice.

4. The United States Marshals Service (or its designee) shall take possession of the Specific Property and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

Dated: New York, New York
August 7, 2023

SO ORDERED:



HONORABLE RONNIE ABRAMS
UNITED STATES DISTRICT JUDGE